

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

MOSSBERG INDUSTRIES, INC.

Debtor

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CASE NO. 03-12993

DECISION AND ORDER

At Fort Wayne, Indiana, on November 21, 2005

The notice of motion and opportunity to object which Barnes & Thornburg, LLP (hereinafter “Movant”) served in connection with its final application for compensation does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the application was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The application was filed on October 4, 2005, while the notice refers to an application filed on September 28, 2005.
- b. The notice was issued and served before the application was filed. Can the opportunity to object to particular relief begin to run before that relief is requested? .

Since creditors and parties in interest have not been given appropriate notice of the application and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the application being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court

